

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: JOHN M. JULIAN
 JOHN MICHAEL JULIAN

Debtor(s)

CHAPTER 13

JACK N. ZAHAROPOULOS
CHAPTER 13 TRUSTEE
Movant

vs.

JOHN M. JULIAN
JOHN MICHAEL JULIAN

CASE NO: 5-23-00647-MJC

Respondent(s)

TRUSTEE'S MOTION TO DISMISS CASE WITH PREJUDICE

AND NOW, on January 25, 2024, Jack N. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania, through his attorney Agatha R. McHale, Esquire, and moves this Honorable Court for dismissal of the above-captioned Chapter 13 bankruptcy case with prejudice in accordance with Section 1307(c) of 11 U.S.C., due to material default by the debtor(s) with respect to the terms of the plan.

In addition to the petition filed in this case, debtor(s) filed petitions docketed to the following cases:

Case Number: 5-21-00583-MJC
Counsel: J ZAC CHRISTMAN ESQUIRE
Filing Date: 03/22/21 Date Dismissed: 02/21/23
Total Payments: \$20,550.00 Chapter: 13
Result: Dismissed for Material Default

Case Number: 5-19-02727-RNO
Counsel: J ZAC CHRISTMAN ESQUIRE
Filing Date: 06/25/19 Date Dismissed: 12/20/19
Total Payments: \$0.00 Chapter: 13
Result: Dismissed for failure to appear at 341 Meeting

Case Number: 5-17-04003-JJT
Counsel: PATRICK J BEST, ESQUIRE
Filing Date: 09/27/17 Date Dismissed: 08/08/18
Total Payments: \$440.90 Chapter: 13
Result: Dismissed for failure to file a confirmable Plan

Case Number: 5-16-01773-JJT
Counsel: PATRICK J BEST, ESQUIRE
Filing Date: 04/25/16 Date Dismissed: 11/17/16
Total Payments: \$5,115.00 Chapter: 13
Result: Dismissed for Material Default

Case Number: 5-14-03926-JJT
Counsel: PATRICK J BEST, ESQUIRE
Filing Date: 08/26/14
Total Payments: \$1,520.00
Result: Dismissed for Material Default

Date Dismissed: 07/08/15
Chapter: 13

Movant believes and avers that, under the totality of the circumstances, debtor(s) demonstrated substantial abuse and a lack of good faith in the filing of 5 prior Chapter 13 petitions within a 10 year period that this Court dismissed prior to completion and filed the current petition thereafter.

Notice of hearing and other instructions are included with this Motion to Dismiss with Prejudice.

WHEREFORE, Movant requests this Honorable Court to:

1. Dismiss this case in accordance with 11 U.S.C. Sec. 1307(c) and,
2. Dismiss this case with prejudice with regard to debtor(s) filing a subsequent petition under the Bankruptcy Code in this district without prior leave of this Court for a period of 180 days from the entry of this dismissal.

Respectfully submitted,

/s/ Agatha R. McHale, Esquire

Id: 47613

Attorney for Trustee

Jack N. Zaharopoulos

Standing Chapter 13 Trustee

8125 Adams Drive, Suite A

Hummelstown, PA 17036

Phone: (717) 566-6097

email: amchale@pamd13trustee.com

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CASE NO: 5-23-00647-MJC

NOTICE

NOTICE IS HEREBY GIVEN that Jack N. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania, has filed a Motion to Dismiss with Prejudice for failure to make timely payments pursuant to your Chapter 13 Plan.

YOU ARE HEREBY NOTICED that a HEARING with the Court has been scheduled on this motion as indicated below. For any matter not resolved you MUST attend the hearing.

U.S. Bankruptcy Court
Max Rosenn U.S. Courthouse
197 S. Main Street
Wilkes Barre, PA 18701

Date: February 29, 2024
Time: 10:00AM

You MUST attend the hearing unless the matter is settled by one of the following having taken place prior to the hearing.

1. You have paid the following and have confirmed payment with Trustee Zaharopoulos's office.

AMOUNT DELINQUENT AS OF LAST MONTH: \$ 11,300.00

AMOUNT DUE FOR THIS MONTH: \$3,000.00

TOTAL AMOUNT DUE BEFORE HEARING DATE: \$14,300.00

NOTE:

ALL payments must be made by CERTIFIED CHECK OR MONEY ORDER. NO PERSONAL CHECKS OR CASH WILL BE ACCEPTED.

DO NOT send your payments REGISTERED, CERTIFIED, FEDERAL EXPRESS, UPS, or by any other special delivery service. Doing so will delay processing of your payment and may result in dismissal of your case.

Mail payments by U.S. First Class Mail to: JACK N. ZAHAROPOULOS, CHAPTER 13 TRUSTEE, PO BOX 6008, MEMPHIS, TN 38101-6008

2. You have entered into a valid stipulation with Trustee Zaharopoulos and that stipulation has been filed with the Court, or

3. You have filed a voluntary conversion or a voluntary case dismissal with the U.S. Bankruptcy Court and have served a copy of that motion upon Trustee Zaharopoulos.

FAILURE TO COMPLY WITH THE ABOVE WILL RESULT IN YOUR CHAPTER 13 CASE BEING CALLED FOR DISMISSAL HEARING WITH THE COURT ON THE DATE AND TIME AS SPECIFIED IN THIS NOTICE. THIS MAY RESULT IN DISMISSAL WITH PREJUDICE OF YOUR CASE.

Dated: January 25, 2024

Respectfully submitted,

/s/ Agatha R. McHale, Esquire

ID: 47613

Attorney for Trustee

Jack N. Zaharopoulos

Standing Chapter 13 Trustee

Suite A, 8125 Adams Drive

Hummelstown, PA 17036

Phone: (717) 566-6097

email: info@pamd13trustee.com

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CERTIFICATE OF SERVICE

I certify that I am more than 18 years of age and that on January 25, 2024, I served a copy of this Motion to Dismiss with Prejudice, Notice and Proposed Order on the following parties by 1st Class mail from Hummelstown, PA, unless served electronically.

Served Electronically

J ZAC CHRISTMAN ESQUIRE
J ZAC CHRISTMAN LAW
556 MAIN STREET, SUITE 12
STROUDSBURG PA 18360-

Office of the United States Trustee
1501 North 6th Street
Box 302
Harrisburg, PA 17102

Served by First Class Mail

JOHN M. JULIAN
60 KIMBERLY ROAD
PO BOX 703
DELAWARE WATER GAP PA 18327

I certify under penalty of perjury that the foregoing is true and correct.

Date: January 25, 2024

/s/ Liz Joyce
Office of the Standing Chapter 13 Trustee
Jack N. Zaharopoulos
Suite A, 8125 Adams Dr.
Hummelstown, PA 17036
Phone: (717) 566-6097
email: info@pamd13trustee.com

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ORDER DISMISSING CASE WITH PREJUDICE

Upon consideration of the Trustee's Motion to Dismiss with Prejudice, it is hereby

ORDERED that the above-captioned bankruptcy be and hereby is DISMISSED WITH PREJUDICE. Debtor is hereby BARRED from filing in this district for a period of 180 days from the date of this order without prior court order.